

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

RAY CHARLES NELSON,

Plaintiff,

v.

MONTGOMERY COUNTY  
INFIRMARY, ET AL.,

Defendants.

3 08 0118

No. 3:07mc0148  
Judge Echols

ORDER

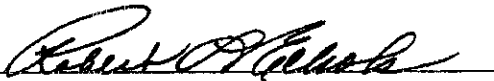
On October 22, 2007, the Court entered an Order directing the plaintiff either to pay the three hundred fifty dollar (350 00) filing fee, or submit an application to proceed *in forma pauperis*. (Docket Entry No. 2). The Court's Order was twice returned as undeliverable (Docket Entry No. 4-5). The second time, on November 5, 2007, the envelope in which the Order was mailed to the plaintiff was annotated, "no longer in jail." (Docket Entry No. 5)

It is the plaintiff's responsibility to advise the Court of any change of address. He has not

The Clerk is directed to **FILE** the complaint. However, process shall **NOT** issue. This action is **DISMISSED** without prejudice for failure to prosecute. *See Spencer v Advanced Telemarketing Corp*, 149 F.3d 1177 (5<sup>th</sup> Cir. 1998); *Carey v King*, 856 F.2d 1439, 1441 (9<sup>th</sup> Cir. 1988)(both cases standing for the proposition that failure to advise the district court of a change of address is grounds for dismissal)

Entry of this Order shall constitute the judgment in this case pursuant to Federal Rules of Civil Procedure 58 and 79(a).

It is so **ORDERED**.

  
Robert L. Echols  
United States District Judge